

REPORTS DOCKET

Jan. 6: Land Use Continued
Jan. 7: Public Safety & Transportation; Public Facilities Page 272
Jan. 12: Zoning & Planning; Finance Monday, January 5, 2015
Jan. 13: Land Use 7:45 PM, Newton City Hall
To be reported on
TUESDAY, JANUARY 20, 2015

CITY OF NEWTON

IN BOARD OF ALDERMEN

UNFINISHED BOARD BUSINESS

Motion to Reconsider filed by Ald. Ciccone on January 5, 2015:

Hearing opened September 23; continued on November 6:

#273-14 NICORE CONSTRUCTION, CORP. petition to change the zone of 114 RIVER STREET, known also as Section 33, Block 23, Lot 15, containing approximately 6,837 square feet of land, from BUSINESS 1 to MULTI RESIDENCE 2.
HEARING CLOSED; LAND USE COMMITTEE APPROVED 5-0-3 (Albright, Laredo, Schwartz abstaining) on December 2, 2014
LAND USE MOTION TO APPROVE FAILED TO CARRY 14 YEAS 7 NAYS (Ald. Blazar, Ciccone, Danberg, Harney, Norton, Sangiolo, Yates) 2 ABSENT (Ald. Baker & Johnson), 1 RECUSED (Ald. Brousal-Glaser) on January 5.

Item Postponed on January 5, 2015 to Date Certain of January 20, 2015:

#273-14(2) NICORE CONSTRUCTION CORP. petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton, on land known as SBL 33,23, 9, containing approximately 19,483 sf of land in a district zoned MULTI RESIDENCE 2 and SBL 33, 23, 15, containing approximately 6,837 sf of land in a *proposed* MULTI RESIDENCE 2 district, for a *proposed* total of 26,290 sf of land. Ref: Sec 30-24, 30-23, 30-15(b)(5)a) and b), 30-9(b)(5)a) of the City of Newton Rev Zoning Ord, 2012 and Amend Special Permit #40-07, dated May 21, 2007. *Hearing opened September 23; continued on November 6*
ON DECEMBER 2, 2014 LAND USE APPROVED 6-0-2 (Harney, Laredo abstaining)
ON DECEMBER 2, 2014 LAND USE APPROVED 6-0-2 (Harney, Laredo abstaining) AMENDMENT TO SITE PLAN #40-07

REFERRED TO LAND USE COMMITTEE

Tuesday, January 6, 2015

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lipof, Schwartz, Harney, and Lennon; also present: Alderman Hess-Mahan

Hearing opened and continued on October 14:

#319-14 **LEOPOLDO BUTERA** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for an existing garage exceeding 700 square feet of ground floor area at 26 ELM STREET, Ward 3, West Newton, on land known as SBL 33, 24, 10, containing approximately 8,250 sf of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(m)(c)5) of the City of Newton Rev Zoning Ord, 2012.

WITHDRAWAL WITHOUT PREJUDICE APPROVED 5-0 (Harney and Lennon not voting; Laredo recused)

Hearing opened and continued on October 14:

#318-14 **88 CRESCENT STREET LLC** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct three single-family attached dwelling units at 88 CRESCENT STREET, Ward 3, Auburndale, on land known as SBL 33, 6, 34, containing approximately 23,739 sf of land in a district zoned MULTI RESIDENCE 1. Ref: 30-24, 30-23, 30-9(b)(5) of the City of Newton Rev Zoning Ord, 2012.

HEARING CONTINUED TO JANUARY 27

Auto Dealer renewals for 2015:

#411-14 **VILLAGE MOTORS GROUP, INC.**
d/b/a HONDA VILLAGE
371 Washington Street
Newton Corner 02458 (Class 1)

APPROVED 6-0

#409-14 **CLARK & WHITE, INC. d/b/a BAYSTATE**
CHRYSLER JEEP DODGE RAM
777 Washington Street
Newtonville 02460 (Class 1)

APPROVED 6-0

#415-14 **NAJIM & YOUSUF AZADZOI**
d/b/a AZAD MOTORS GALLERIA
280 California Street
Newton 02458 (Class 2)

APPROVED 6-0

#420-14 JACOB'S AUTO SERVICE
1232 Washington Street
West Newton 02465 (Class 2)
APPROVED 6-0

#435-14 SAM'S AUTO CENTER
875 Washington Street
Newtonville 02460 (Class 2)
APPROVED 6-0

#437-14 STAN'S AUTOMOTIVE INC.
249 Centre Street
Newton Corner 02458 (Class 2)
HELD 8-0

REFERRED TO LAND USE COMMITTEE

Tuesday, January 13, 2015

Present: Ald. Laredo (Chairman), Ald. Cote, Lipof, Lennon, Harney, Schwartz, Crossley, and Albright; also present: Ald. Norton

#443-14 T. ANDREW HINTERMAN, LDA ARCHITECTS/TIRA KHAN & DAN WINSTON petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE in order to construct an approximate 148 square-foot kitchen, pantry, and mudroom addition, which will increase the Floor Area Ratio from .50 to .53, where .44 is the maximum allowed by right, at 89 ERIE AVENUE, Ward 6, NEWTON HIGHLANDS, on land known as SBL 52, 42, 20, containing approximately 6,500 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table A, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0

#472-14 BNTT, INC./CID REALTY, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to expand the sale of food, extend self-service gas sales, modify signage, waive the dimensional requirements for maneuvering aisles and maximum driveway width, and to waive landscaping, screening and lighting requirements at 979 WATERTOWN STREET, Ward 3, West Newton, on land known as SBL 31, 16, 15, containing approximately 17,376 sf of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-19(h)(3), (4)(b), (i)(l), (j)(1)a and b), and (m), and 30-20(1) of the City of Newton Rev Zoning Ord, 2012 special permit nos. 394-70, 677-73, 11-93(4), and 278-07.
HEARING CLOSED; APPROVED 6-0-2 (Harney and Schwartz abstaining)

- #474-14 THE MALL AT CHESTNUT HILL, LLC petition to AMEND special permit #307-12(2) in order to renovate the mall's exterior façade to incorporate newly-expanded vestibules at the north and south entrances, enhancing ADA accessibility, and to add six additional secondary signs not exceeding 250 square-foot each at 199 BOYLSTON STREET, Ward 7, Chestnut Hill, on land known as SBL 65-8-1, containing approximately 324,691 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-21(b), 30-11(k), 30-20(f)(2) and (l) of the City of Newton Rev Zoning Ord, 2012 and special permit nos. 307-12 and (2), 162-86.
HEARING CLOSED; APPROVED 8-0
- #475-14 THOMAS ENSELEK/S&H NEWTON REALTY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to allow 17 indoor seats and ten outdoor seats for a total of 27 seats for an existing yogurt shop that currently operates as a retail use with no seating and to waive four parking stalls at 665 WATERTOWN STREET, Ward 2, Newtonville, on land known as SBL 21, 23, 1 in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-21(b), 39-19(d)(13) and (m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0
- #477-14 JANNA & RONALD CURTIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to construct an addition containing approximately 1,142 sf at the rear of an existing single-family dwelling (571 sf of basement space to be used as a garage and 571 sf on the first floor for an expanded kitchen and family room), which will increase the Floor Area Ratio from .35 to .48, where .40 is the maximum allowed by right, at 15 LARCHMONT AVENUE, Ward 5, Waban, on land known as SBL 54, 7, 2, containing approximately 8,552 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u)(2), 30-15 Table A, and Table 1 of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0
- #478-14 JAMES B. CORSI/CORSI REALTY LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to remodel and construct a two-story addition to the rear of a single-family dwelling and a single-story attached garage and foyer, which will increase the Floor Area Ratio from .39 to .44, where .35 is the maximum allowed by right, at 1004 CENTRE STREET, Ward 7, Newton Centre, on land known as SBL 73, 49, 1, containing approximately 13,238 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(u), 30-15 Table A of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0

#479-14 DANIEL & BRENDA KOSTYK petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend an existing 18-foot dormer by an additional 11.5 feet, which will create a dormer wider than 50% of the length of the exterior wall of the story next below, at 29 KEWADIN ROAD, Ward 5, Waban, on land known as SBL 55, 51, 9, containing approximately 13,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(t)(1) of the City of Newton Rev Zoning Ord, 2012.
HEARING CLOSED; APPROVED 8-0

#473-14 TIMOTHY BURKE for ROGER & AFARIN GREIGER petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a one-story portion of an existing two-family dwelling consisting of a two-car garage and to construct a three-car garage and living space with an accessory apartment exceeding 1,000 sf above it, increasing the Floor Area Ratio from .28 to .39, where .33 is allowed by right, at 100 EVELYN ROAD, Ward 5, Waban, on land known as SBL 53, 3, 13, containing approximately 18,052 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-15(u)(2), 30-15 Table 3, and 30-8(d)(c) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED

#476-14 JOHNNY'S LUNCHONETTE/KRASNER METRO BOSTON ASSOC. LP & HKS PROPERTIES petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING USE to expand the number of seats in an existing restaurant from 88 to 96 and to waive three parking stalls at 30 LANGLEY ROAD, Ward 6, Newton Centre, on land known as SBL 61, 33, 14 in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-21(b), 30-11(d)(9), 30-19(c)(2)a), (d)(13), and (m) of the City of Newton Rev Zoning Ord, 2012.
HEARING CONTINUED TO DATE TO BE DETERMINED

REFERRED TO ZONING & PLANNING COMMITTEE

Monday, January 12, 2015

Present: Ald. Johnson (Chairman), Danberg, Baker, Yates, Kalis, Sangiolo and Leary; Absent: Ald. Hess-Mahan; Also Present: Ald. Crossley and Albright

Appointment by His Honor the Mayor

#7-15 JUDITH MALONE NEVILLE, 68 High Street, Newton Upper Falls, appointed as a member of the Newton Upper Falls Historic District Commission for a term to expire January 26, 2018 (60 days - 03/06/15) [12/29/14 @9:14 AM]
APPROVED 5-0 (Sangiolo and Leary not voting)

#482-14 HISTORIC NEW ENGLAND requesting acceptance by the City of a preservation restriction on property located at 7 Norman Road, Newton Highlands [12/08/14 @ 12:26PM]
APPROVED 5-0 (Sangiolo and Leary not voting)

- #80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
HELD 7-0
- #376-14 PLANNING & DEVELOPMENT DEPARTMENT requesting that **Chapter 30 ZONING** be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance. [10/22/14 @ 7:48PM]
HELD 7-0

Item Held in Committee at Full Board on 12/15/14

- #352-14 ACCESSORY APARTMENT SUBCOMMITTEE proposing that §§30-8(4)(a) and 30-9(2)(a) re proof of existence for pre-existing accessory apartments in Single Residence and Multi Residence districts be amended to change the date an owner-occupant seeking validation of an existing accessory apartment must prove its existence from December 31, 1979 to December 31, 1999.
 [09/29/14 @ 11:20AM]
HEARING CLOSED; ZONING & PLANNING APPROVED 5-1-1 (Baker opposed; Sangiolo abstaining) on 12/8/14
APPROVED 4-1-1 (Baker opposed; Sangiolo abstaining; Leary not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, January 7, 2015

Present: Ald. Ciccone (Chair), Yates, Cote, Fuller, Lipof, and Schwartz; absent: Ald. Johnson and Harney; also present: Ald. Crossley (Chair), Lennon, Gentile, Albright, Lappin, Danberg, Laredo, Brousal-Glaser, Sangiolo and Norton

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

- #413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @11:07 AM]
PUBLIC FACILITIES HELD 8-0
HELD 6-0
- #11-15 TRAFFIC COUNCIL CHAIR, providing the Annual Report on the work of the Traffic Council for 2014 pursuant to Section 19-30(g) of the City of Newton Revised Ordinances 2012. [12/15/14 @ 4:10 PM]
NO ACTION NECESSARY 6-0

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #465-14 ALD. SANGIOLO, GENTILE AND HARNEY, requesting a discussion regarding reducing the fee charged to residents for permit parking programs. [11/17/14 @ 12:40 PM]
HELD 6-0

- #449-14 ALD. NORTON, requesting a discussion with the Police Department regarding the practice of issuing warning to drivers heading north on Walnut Street and turning right onto Washington Street, if they turn right during the pedestrian countdown, even if there are no pedestrians in the crosswalk, as there is no mention of this being illegal in the RMV Drivers Manual. [11/10/14 @ 10:17 AM]
NO ACTION NECESSARY 4-0 (Lipof and Cote not voting)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, January 7, 2015

Present: Ald. Crossley (Chairman), Lennon, Albright, Brousal-Glaser, Gentile, Crossley, Danberg, Laredo, and Lappin; also present: Ald. Ciccone, Cote, Fuller, Lipof, Schwartz, and Yates

- #413-11 **REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**
ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @ 11:07 AM]
PUBLIC SAFETY HELD 6-0 on 01/07/15
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #16-15 HIS HONOR THE MAYOR proposing amendments to the City of Newton Revised Ordinances, 2012 Section 11-15. **White goods.** by striking the fee of twelve dollars (\$12) and replacing it with eighteen dollars (\$18) wherever the fee is mentioned. [12/30/14 @ 11:48 AM]
FINANCE APPROVED 6-0 on 01/12/15
APPROVED 8-0

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]
HELD 8-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #468-14 HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for the Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses. [11/24/14 @ 4:23 PM]
FINANCE HELD 6-0 on 01/12/15
NO ACTION NECESSARY 8-0

- #301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.
NO ACTION NECESSARY 8-0

REFERRED TO FINANCE COMMITTEE

Monday, January 12, 2015

Present: Ald. Gentile (Chairman), Ciccone, Brousal-Glaser, Rice, Fuller, and Lappin; absent: Ald. Norton and Blazar; also present: Ald. Leary

#12-15 **HIS HONOR THE MAYOR** requesting authorization to expend the sum of five thousand dollars (\$5,000) for the 2015 Unaccompanied Homeless Youth Grant awarded by the Massachusetts Department of Housing and Community Development as part of the Brookline-Newton-Waltham-Watertown Continuum of Care to be used to conduct a count and survey of unaccompanied homeless youth in January 2015. [12/30/14 @ 11:48 AM]
APPROVED 6-0

#13-15 **HIS HONOR THE MAYOR** requesting authorization to expend the sum of one thousand two hundred forty dollars (\$1,240) for the reimbursement of costs related to administrative expenses for the 2014 Unaccompanied Homeless Youth Grant awarded by the Massachusetts Department of Housing and Community Development, which the City of Newton served as the lead agency of the Brookline-Newton-Waltham-Watertown Continuum of Care. [12/30/14 @ 11:48 AM]
APPROVED 6-0

#14-15 **HIS HONOR THE MAYOR** requesting authorization to expend a Mass Works reimbursable grant for one million five hundred thousand dollars (\$1,500,000) and a Mass Department of Transportation identified contingency fund of up to an additional three hundred fifty thousand dollars (\$350,000) to be used to support the purchase and installation of new traffic signal equipment and construction of the proposed roadway improvements to better align Oak and Christina Streets. [12/30/14 @ 11:48 AM]
APPROVED 6-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#16-15 **HIS HONOR THE MAYOR** proposing amendments to the City of Newton Revised Ordinances, 2012 Section 11-15. **White goods.** by striking the fee of twelve dollars (\$12) and replacing it with eighteen dollars (\$18) wherever the fee is mentioned. [12/30/14 @ 11:48 AM]
PUBLIC FACILITIES APPROVED 8-0 on 01/07/15
APPROVED 6-0

PROGRAMS & SERVICES REFERRED TO FINANCE COMMITTEE ON 9/17/14

#254-12(2) **THE PROGRAMS & SERVICES COMMITTEE** recommending an ordinance to ban single-use plastic bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 PM]
PROGRAMS & SERVICES APPROVED 8-0 on 9/17/14
APPROVED 2-0-4 (Ciccone, Fuller, Gentile, Lappin abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #468-14 **HIS HONOR THE MAYOR** requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for the Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses. [11/24/14 @ 4:23 PM]
PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 01/07/15
HELD 6-0

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 **ALD. HESS-MAHAN, SANGIOLO & SWISTON** proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
PROG & SERV VOTED NO ACTION NECESSARY 6-0 on 11/19/14
PUBLIC FAC VOTED NO ACTION NECESSARY 6-0 on 12/3/14
ZAP VOTED NO ACTION NECESSARY 7-0 on 12/08/14
NO ACTION NECESSARY 6-0

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. [12-30-14] If you need a special accommodation, please contact the Newton ADA Coordinator, John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov or 617-796-1145. For Telecommunications Relay Service dial 711.